



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 26, 1992

Mr. Charles Karakashian, Jr.
Assistant General Counsel
Texas Department of Public Safety
P. O. Box 4087
Austin, Texas 78773-0001

OR92-622

Dear Mr. Karakashian:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 17410.

You have received a request for information relating to a certain Texas Department of Public Safety Investigation of indecency with a child. Specifically, the requestor seeks information regarding investigation RDO91389, including:

1. Original Offense Report;
2. All investigative supplements relating to this offense;
3. All physical evidence and crime scene search supplements relating to this offense;
4. All photographs relating to this offense;
5. All witness statements and affidavits relating to this offense;
6. All documents relating to the identity of any possible suspects;
7. All special reports generated by investigative sources relating to this offense;
8. Copies of all investigative field notes relating to this offense;
9. Results of any scientific tests conducted relating to the suspects or evidence relating to this offense; and,
10. Any other document, reports or files relating to this offense.

You claim that the requested information is excepted from required public disclosure by sections 3(a)(1) and 3(a)(8) of the Open Records Act.

Section 3(a)(1) excepts from required public disclosure "information deemed confidential by law, either Constitutional, statutory, or by judicial decision." Open Records Decision No. 440 (1986) held that records of an investigation into allegations of sexual abuse of children are excepted from disclosure in cases in which such records are made part of a Texas Department of Human Services investigation under chapter 34 of the Family Code. *See also* Open Records Decision Nos. 587 (1991); 393 (1983); 339 (1982) (law enforcement records relating to aggravated sexual abuse protected by common-law privacy). Section 34.08(a) of the Family Code provides for the confidentiality of records related to such investigations:

the reports, records, and working papers used or developed in an investigation made under this chapter are confidential and may be disclosed only for purposes consistent with the purposes of this code under regulations adopted by the investigating agency.

It appears from the face of the documents submitted to us for review that the records sought in this instance consist of "reports, records, and working papers used or developed in an investigation" under chapter 34 of the Family Code. Exceptions to non-disclosure provided for in section 34.08 do not appear to apply here. Provided that the Department of Public Safety has no rules providing for the public release of information involving investigations of child abuse, the requested information must be withheld in its entirety under section 3(a)(1) of the Open Records Act. As we resolve this matter under section 3(a)(1), we need not address the applicability of section 3(a)(8) at this time.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with

a published open records decision. If you have questions about this ruling, please refer to OR92-622.

Yours very truly,

A handwritten signature in black ink, appearing to read "Mary R. Crouter". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Mary R. Crouter
Assistant Attorney General
Opinion Committee

MRC/GCK/lmm

Ref.: ID# 17410
ID# 17427

cc: Mr. Jim Burnham
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